

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD GEORGE LINDEN,

Plaintiff,

No. CIV S-04-2696 FCD GGH PS

vs.

SOCIAL SECURITY ADMINISTRATION;  
JO ANNE B. BARNHART, Commissioner,

ORDER

Defendant.

On October 23, 2006, plaintiff filed a request for extension of time to file an appeal from the order and judgment entered in this case on September 7, 2006. Plaintiff states that he had back surgery on September 20, 2006, which requires a three-to-six month period of recuperation, and seeks a 60-day extension of the deadline for filing notice of his appeal. Plaintiff has submitted supporting documentation.

Where, as here, an agency of the United States is a party to the action, Fed. Rule App. Proc. 4(a)(1) (B) requires that a notice of appeal be filed within 60 days after entry of the judgment or order appealed from. Fed. Rule App. Proc. 5(A) provides that a district court may extend the time to file a notice of appeal if the motion is made no later than 30 days after the time prescribed by Rule 4(a), and the moving party demonstrates excusable neglect or good cause.

1           The unextended deadline for filing a notice of appeal in this action is November 6,  
2 2006. Plaintiff has made a timely request and demonstrated good cause for extending that  
3 deadline by 60 days, or until January 5, 2007. Accordingly, plaintiff's October 23, 2006, request  
4 to extend the deadline for filing a notice of appeal in this action IS HEREBY GRANTED and  
5 such deadline is extended to January 5, 2007.

6           So ordered.

7 DATED: 11/2/06

/s/ Gregory G. Hollows

8           \_\_\_\_\_  
GREGORY G. HOLLOWS  
U. S. MAGISTRATE JUDGE

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